



State of Connecticut

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Testimony of Deborah Del Prete Sullivan, Legal Counsel, Director Office of Chief Public Defender

JUDICIARY COMMITTEE - MARCH 20, 2024

Raised H. B. 5413

AN ACT CONCERNING THE ILLEGAL USE OF CERTAIN VEHICLES AND STREET TAKEOVERS

The Office of Chief Public Defender (OCPD) opposes Sections 4 and 5 of *H. B. 5413, An Act Concerning the Illegal Use of Certain Vehicles and Street Takeovers*.¹ The bill subjects anyone involved or merely present at such an event, including innocent bystanders, to a mandatory minimum sentence AND a fine, in addition to their license being revoked. By doing so, such persons are treated substantially harshly for their limited role compared to persons convicted of misdemeanor offenses, including those which result in bodily injury.

First, the bill amends subsection (b) of *C.G.S. 14-111, Suspension or revocation of registration, license or right to operate*. Currently the statute requires the Commissioner of the Department of Motor Vehicles (DMV) to suspend a person's license, without a hearing, if the person has committed certain violations including a violation of subsection (c) *C.G.S. 14-224, Evasion of responsibility in operation of motor vehicles. Racing. Required removal of motor vehicle from traveled portion of highway. Impoundment or fine*, which provides:

(c) (1) No person shall operate a motor vehicle upon any public highway for any race, contest or demonstration of speed or skill.

¹ OCPD takes no position on the remainder of the bill.

(2) No person shall (A) possess a motor vehicle under circumstances manifesting an intent that it be used in a race, contest or demonstration of speed or skill prohibited under subdivision (1) of this subsection, (B) act as a starter, timekeeper, judge or spectator at a race, contest or demonstration of speed or skill prohibited under subdivision (1) of this subsection, or (C) wager on the outcome of a race, contest or demonstration of speed or skill prohibited under subdivision (1) of this subsection.

The current penalty for a violation of subsection (b) of C.G.S. 14-111 is a mandatory license suspension of “not less than 30 days or more than 90 days.” For any subsequent violation, a license suspension of not less than 90 days is mandated. Per the statute, the license suspension is required and applicable to not only the racer but for anyone who is not racing, including a spectator, even if an innocent bystander is present at the time one of these events occurs.

The proposed language of this bill sets a revocation period for a violation at 45 days in lieu of the current range. However, for a third violation, the bill mandates that the person’s license be **permanently revoked**. The increased penalty is applicable to a youth adjudged a youthful offender also. Again, this penalty applies to anyone who is not racing, including innocent bystanders. This **permanent revocation** is extremely punitive especially for youth who lack the maturity to appreciate their actions or who may be in a place with no way to remove themselves due to where they reside. The General Assembly has recognized the existence of brain development science in addressing lengthy sentences imposed on persons under the age of 18 and certain persons under the age of 21 who have committed serious offenses. The permanent revocation, for life, of a person’s license, with no possibility of obtaining such, will carry with it severe collateral consequences which can impede a person from obtaining, among other things employment.

Section 5 - In addition to the penalty enhancement in Section 4, this section creates harsh mandatory minimum sentences of incarceration and fines for anyone, including youth and any bystanders who violate subsection (c) of *C.G.S. 14-215, Operation while registration or license is refused, suspended or revoked. Operation in violation of restriction or limitation on operator's license or right to operate motor vehicle that requires use of ignition interlock device. Penalty*, as follows:

1st violation - A fine ranging from \$500 to \$1000 **AND** a sentence of imprisonment not more than one year, with a *minimum mandatory sentence of 30 days*, absent mitigating circumstances

2nd violation - A fine ranging from \$500 to \$1000 **AND** a sentence of imprisonment not more than two years with a *minimum mandatory sentence of 120 days*, absent mitigating circumstances

3rd violation - A fine ranging from \$500 to \$1000 **AND** a sentence of imprisonment not more than three years with a *minimum mandatory sentence of one year*, absent mitigating circumstances

As stated, the bill as drafted, treats persons substantially harsher for their limited role at this event when compared to persons convicted of misdemeanor offenses, including those which result in bodily injury. Therefore, this office respectfully requests that Sections 4 and 5 be stricken from the bill. Thank you.